

## REMARKS

### **Examiner Interview:**

Applicants thank the Examiner, Joshua D. Schneider, for the courtesies extended to their representative, Chung Park, during the telephone interview on April 3, 2007. In the interview, agreement was not reached and the Examiner cited additional references that he would consider in prosecuting the present application. Copies of the cited references are attached in the Appendix.

### **Claims:**

Claims 1-18 are currently pending. Claims 2-4 have been amended to improve readability. Claim 15 has been amended for emphasis of the original claim limitation. Claims 16-18 have been amended to reflect the changes to claim 15. Applicants respectfully request reconsideration of the application in response to the final Office Action.

### **Response to Arguments:**

In response to the Amendment filed on November 28, 2006, the Office has maintained 101 and 102 rejections made in the previous office action. In doing so, the Office has stated that:

Applicant argues that Fleming does not teach the selection of peripherals, but rather the selection of computers. It is unclear how this argument is supported by any of the teachings of the reference. It is true that the switchbox in Fleming allows multiple computers to access the peripherals, but this teaching is surplusage to the teaching of the selection of a peripheral among the many peripheral devices in the switchbox. However, the teachings of the reference noted by Applicant still meet the broad claim limitations of the instant application. The current

claims do not limit the selection function to be a selection of peripherals by a computer, and so the selection of a host computer does in fact meet the limitations of the claims.

The claims are directed only to the management of active devices by way of a management port used to select one of a plurality of active devices to be managed. In this case, the active devices are servers that are selected through the user interface to allow connection with the switchbox peripherals. There is nothing in the claims that is differentiated from that which is taught by the applied reference. It is further noted that the word peripheral is never found in the claims, and therefore that any arguments based on the reference not attaching a peripheral are not applicable, as further limitations will not be read into the claims.

Applicants respectfully disagree. The Fleming patent discloses a mechanical dial (152) that allows a user to select one of the computers C1- Cn and connect the selected computer to all of the peripheral devices, which is repeated throughout the specification of the patent (col. 4, l. 49 - 52, col. 5, l. 1 - 5, and col. 6, l. 61 - 63, for example). Even if one were to assume, for the purpose of argument, that the active devices correspond to servers to be selected by the mechanical dial, the Fleming patent fails to teach or suggest any mechanism that connects the selected server to a computer for managing the selected server. Likewise, even if one were to designate one of the computers C1 - Cn as a host computer and the peripheral devices as active devices, the Fleming fails to teach or suggest any mechanism that selectively connects the host computer to one of the peripheral devices, i.e., the mechanical dial (152) merely connects all of the peripheral devices mounted in the switch box (102) to the alleged host computer, but does not allow a user to select one of the peripheral devices. Stated differently, even though the mechanical dial might be used to designate a host computer, a user cannot selectively connect the peripheral devices to the host computer by manipulating the mechanical dial. In

marked contrast, certain embodiments of the presently claimed invention disclose a computer and at least one switch that allows the user to select one of the active devices and connects the selected active device to the computer. But first, the rejections will be taken in order of appearance in the Office Action.

***Claim Rejections – 35 U.S.C. §101***

In response to the rejection of claims 15-18 under 35 U.S.C. §101, the preamble of those claims has been amended to conform to the requirements of 35 U.S.C. §101. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections of claims 15-18 under 35 U.S.C. §101.

***Claim Rejections – 35 U.S.C. §102***

The final Office Action includes a rejection of claims 1-7 and 15-18 under 35 U.S.C. §102(b) as being allegedly anticipated by US Patent 6,073,188 to Fleming. The Office Action also includes a rejection of claims 8-14 under 35 U.S.C. §102(b) as being allegedly anticipated by US Patent 6,286,060 to DiGiorgio et al. These rejections are respectfully traversed.

**Presently claimed invention**

By way of background, certain embodiments of the presently claimed invention include a concentrator device for managing a plurality of active devices. The concentrator device has a plurality of management ports and each management port is connected to a management port of one of the active devices. Each active device comes with a management port, in addition to input/output ports of normal

operation, even though the management port and I/O port may be combined into a physical port in alternative embodiments. (See paragraphs [0003] and [0030] of the publication US2005/0154808.) As evidenced by the attached copy of a web site [http://www.pcmag.com/encyclopedia\\_term/0,2542,t=management+port&i=55946,00.asp](http://www.pcmag.com/encyclopedia_term/0,2542,t=management+port&i=55946,00.asp), the commonly accepted management port is defined as "a socket in a network device that is used for network management (see Appendix B)" and has a functionality different from those of I/O ports.

#### The Fleming patent

The Fleming patent discloses a mechanical dial (152) that allows a user to select one of the computers C1- Cn and connect the selected computer to all of the peripheral devices. More specifically, in rejecting claim 1, the Office has stated that "Fleming teaches instructing the concentrator device to select at least one [sic] of the active device to manage (column 4, lines 43-45) ... and communicating with the at least of selected active device from the computer (columns, lines 1:22)." Absent specific details of correspondence between the components of the presently claimed invention and those of the Fleming system by the Office, the Office appears to respectively equate the concentrator device and active devices of the presently claimed invention with the switch box (102) and computers C1-Cn of the Fleming system. However, as discussed above, the Fleming patent fails to teach or suggest a mechanism that connects the selected one of the computers C1 - Cn to other computer, much less a computer that is used to manage the selected computer. Even if one were to designate one of the computers C1 - Cn as a host computer and the peripheral devices as active devices, the Fleming also fails to teach or suggest

any mechanism that selectively connects the host computer to one of the peripheral devices, i.e., the mechanical dial (152) merely connects all of the peripheral devices mounted in the switch box (102) to the alleged host computer, but does not allow a user to select one of the peripheral devices. As such, the Fleming patent fails to teach or suggest the steps of claim 1.

Furthermore, to the reading of the undersigned, the Fleming patent fails to teach or suggest that each of the peripheral devices has a management port. In fact, each peripheral device, such as joystick, mouse, and keyboard, would not need a management port for network connection. As such, the Fleming patent fails to teach or suggest "a plurality of active devices, wherein the active devices each includes a management port which is connected to a respective management port of a concentrator device ... establishing a link between the communication port of the concentrator device and the management port of the concentrator device associated with the at least one selected active device" as recited in claim 1. As the Fleming patent fails to disclose or suggest every step of claim 1 as required by 35 U.S.C. §102, withdrawal of the rejection of claim 1 is respectfully requested.

For emphasis of the original claim limitations, claim 15 has been amended to recite "send signals to a concentrator device that includes a communication port and a plurality of management ports wherein each of the management ports is configured to be connected to a respective management port of the active devices." Changes to claim 15 are supported by Fig. 2 and the text related thereto, for instance. Based on the same reasons set forth above, withdrawal of the rejection of claim 15 is respectfully requested.

Dependent claims 2-7 and 16-18 depend from claims 1 and 15, respectively, rendering them also patentable for at least the same reasons. In addition, it is noted that the dependent claims add features which further remove the present invention from the applied art. For instance, claim 3 includes a recitation "selecting a desired active device through a user interface." The Fleming discloses selection indicators (154) mounted on the switch box (102). However, to the reading of the undersigned, the Fleming patent is silent as to the user interface, such as a menu, list, graphic representation of the system (paragraph [0027] of the US Patent Publication 2005/0154808 A1), for allowing the user to select the active device, much less the step of selecting the desired active device.

#### The DiGiorgio patent

In rejecting claims 8-14, the Office has stated that "DiGiorgio teaches ... a switch for selectively connecting the at least one communication port to a selected one of the plurality of management ports (column 7, lines 37-51, Fig. 8, element 804 by way of controller)..." Applicants respectfully disagree. The DiGiorgio patent discloses an expansion unit for connecting multiple I/O ports to a hosting computing device. As depicted in Fig. 4 of the DiGiorgio patent, the hosting device includes a host I/O port coupled to the multiple I/O ports served by the port interface modules of the expansion unit. Each device coupled to the expansion unit, which appears to be viewed by the Office to correspond to the active device, includes an I/O port, not a management port. As such, the DiGiorgio patent fails to teach or suggest "a plurality of management ports that are each configured to be connected to a management

port of a respective one of the active devices” as recited in claim 8 and “a concentrator device comprising at least one communication port, a microprocessor, and a plurality of management ports wherein each of the management ports is configured to be connected to a respective one of the active devices” as recited in claim 14. As the cited reference fails to teach or suggest every feature of claims 8 and 14, Applicants respectfully submit that claims 8 and 14 are not anticipated by the cited reference, and claims 8 and 14 are patentable. Claims 9-13 depend from claim 8, rendering them also patentable for at least the same reasons.

The Dataswitch device and 4X4 peripheral switch

During the phone interview on April 3, 2007, the Examiner has cited two web sites listed in Appendix A and has stated that the Dataswitch device (web site 1 in Appendix A) and 4X4 peripheral switch (web site 2 in Appendix A) will be applied to all of the claims in the previous amendment. As evidenced by the attached copy of the Dataswitch web site, the Dataswitch web site fails to provide the date when the Dataswitch device was available as a public knowledge. Applicants respectfully request the Office provide an evidence to prove that the Dataswitch device is qualified as prior art of the presently claimed inventions.

To expedite the prosecution of the present application, Applicants address the Examiner's implication of rejection of pending claims, assuming that the Dataswitch web site predates the present application. The Dataswitch device has one input port, four output ports, and one switch that allows a user to select one of the four output ports to the input port. As such, the Dataswitch is a mechanical switch that merely connects the input port to one of the four output ports. The Dataswitch web site fails

to teach or suggest that the devices to be connected to the Dataswitch device have management ports, much less that the Dataswitch has management ports. It is apparent that the applied art does not appreciate the problem of the prior art identified in the present application nor does it suggest that Dataswitch provides a solution to any problem. In this regard, the Dataswitch device and 4X4 peripheral switch are similar in nature. The 4X4 peripheral switch has four USB type A receptacles for connecting up to four USB devices, four USB type B receptacles for connecting up to four computers, and four switches that respectively corresponds to the four USB devices and allow a user to connect the four USB devices to the four computers. As such, each of the four switches merely connects a USB port to another USB port. The 4X4 peripheral switch web site fails to teach or suggest that the devices to be connected to the 4X4 peripheral switch include management ports, much less that the 4X4 peripheral switch includes management ports. As such, based on the same reasons set forth above to address the rejections of claims 1, 8, 14, and 15, Applicants respectfully submit the putative references are not prior art of claims 1, 8, 14, and 15, and claims 1, 8, 14, and 15 are allowable. Claims 2-7, 9-13, and 16-18 depend from claims 1, 8, and 15, rendering them also patentable for at least the same reasons.



***Conclusion***

In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: May 19, 2007

By: /WCRoland/  
William C. Rowland  
Registration No. 30,888

P.O. Box 1404  
Alexandria, VA 22313-1404  
650 622 2300

## **APPENDIX A**

Two sets of web pages have been attached.

1. [http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&item=280095587889&ssPageName=MERCOSI\\_VI\\_ROSI\\_PR4\\_PCN\\_BIX\\_Stores&refitem=150106666961&itemcount=4&refwidgetloc=closed\\_view\\_item&refwidgettype=osi\\_widget](http://cgi.ebay.com/ws/eBayISAPI.dll?ViewItem&item=280095587889&ssPageName=MERCOSI_VI_ROSI_PR4_PCN_BIX_Stores&refitem=150106666961&itemcount=4&refwidgetloc=closed_view_item&refwidgettype=osi_widget)

2. <http://cache-www.belkin.com/support/dl/F1U400.pdf>

## **APPENDIX B**

A web site for the definition of management port:

[http://www.pcmag.com/encyclopedia\\_term/0,2542,t=management+port&i=55946,00.  
asp](http://www.pcmag.com/encyclopedia_term/0,2542,t=management+port&i=55946,00.asp)